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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,760	12/24/2003	Kentaro Tanaka	247035US6	8929
22850 7590 04/06/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WHIPKEY, JASON T	
			ART UNIT	PAPER NUMBER
			2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/743,760

Applicant(s)

TANAKA

Examiner

Jason T. Whipkey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 2 and 3 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 2 recites the limitation “the imaging means” on line 5. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “an imaging means”.

Claim 3 recites the limitation “the imaging means” on lines 6-7. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “an imaging means”.

Claim 3 recites the limitation “the reception means” on line 11. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “a reception means”.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 3 defines a program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory. The scope of the presently claimed program can range from paper on which the program is written to a program simply contemplated and memorized by a person.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 16 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 16 and 26 both recite the limitation “the arbitrary position” on line 6. There is insufficient antecedent basis for this limitation in the claims. For examination purposes, the claims will be treated as if they read, “an arbitrary position”.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8, 14-20, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyodo (U.S. Patent Application Publication No. 2003/0142880).

Regarding **claims 1, 2, 4 and 27**, Hyodo discloses an imaging apparatus (see Figure 1) comprising:

imaging means (CCD 18) for imaging a subject (see paragraph 37) to be imaged and taking in a moving image (see paragraph 58) and a still image (see paragraph 7) of the subject;

focusing means (lenses 14) for adjusting a focal length and focusing on the subject (see paragraph 37) which is included in a first predetermined region (focus

area 62) within an imaging range (shown on screen 60 in Figure 5) of the imaging means;

reception means (operation unit 50) for receiving a designation (a key press) regarding a position at the first region within the imaging range, the designation being inputted by a user (see paragraph 45);

position setting means (CPU 30) for setting the first region at a position (for example, focus area 62a) within the imaging range, based on the position designation received by the reception means (see paragraph 46); and

range setting means (CPU 30) for setting up a range of the first region in accordance with the position set up by the position setting means (see paragraph 74).

Claim 3 can be treated like claim 1. Additionally, Hyodo discloses that the system is controlled by CPU 30 (see paragraphs 41-42). It is inherent that a CPU performs tasks using a program.

Regarding **claims 5 and 18**, Hyodo discloses:

the position setting means set up the position of the first region in such a way that a center of the first region is located at a center of the imaging range if the position designation is not received by the reception means (focus area 62 is set by default until a user moves it; see paragraph 48).

Regarding **claims 6 and 19**, Hyodo discloses:

the position setting means set up the position of the first region in such a way that a center of the first region is located at coordinates specified by the user

if the position designation is received by the reception means (focus area 62b is set by a user; see paragraph 48),

Regarding **claim 7**, Hyodo discloses:

if the position designation is received by the reception means, the range setting means set up the range of the first region in such a way that the range of the first region set up is smaller than that of a case that the position designation is not received (a smaller region can be selected by a user; see paragraph 48).

Regarding **claims 8 and 20**, Hyodo discloses:

display means (display 46) for displaying the moving image obtained by imaging of the subject by the imaging means (see paragraph 58);

wherein the reception means is configured to comprise a touch panel overlaid on the display means (a touch panel is one of many input options; see paragraph 44), detect coordinates inputted by a user with a first method while allowing the user to check the moving image displayed on the display means, and receive the coordinates as the position designation (see paragraphs 44 and 58).

Regarding **claim 14**, Hyodo discloses:

the focusing means adjust the focal length and focus on the subject if the imaging means take in the still image and if the position setting means set up the position of the first region (focus area 62 only moves upon command from the user; see paragraphs 45, 46, and 48).

Regarding **claim 15**, Hyodo discloses:

prohibition means (CPU 30) for prohibiting an adjusting process of the focusing means if the focusing means focus on the subject that is included in the first region and if the imaging means takes in the still image (focus area 62 only moves upon command from the user; see paragraphs 45, 46, and 48).

Regarding **claims 16 and 26**, Hyodo discloses:

exposure adjustment means (CPU 30) for adjusting an exposure for a second predetermined region within the imaging range (the designated focus area; see paragraph 74),

wherein the position setting means set up a position of the second region so that a center of the second region is positioned at a center of the first region that is set at the arbitrary position within the imaging range based on the position designation received by the reception means (see paragraph 74).

Claim 17 can be treated like the combination of claims 4, 14, and 15.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo.

Claims 9 and 21 can be treated like claims 8 and 20, respectively. However, Hyodo is silent with regard to the user tapping a touch panel to indicate an input.

Official Notice is taken that it was well known in the art of touch panels at the time the invention was made to indicate a user's input by tapping a touch panel. An advantage of doing so is that a separate button is not necessary. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system accept a user's touch panel input by detecting a single tap.

11. Claims 10, 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo in view of Kaite (U.S. Patent No. 4,614,975).

Claims 10 and 22 can be treated like claims 8 and 20, respectively. However, Hyodo is silent with regard to returning the region designation to its original state.

Kaite discloses a focus area changing circuit, including:

initialization means (preset circuit 60) for initializing the setup of the first region (a designated focus area) and returning the setup from a state where the position designation is received by the reception means to a state where the position designation is not received (see column 7, lines 61-66);

wherein the reception means further receives an instruction (from reset switch 604) to initialize the setup of the first region inputted by the user with a second method (see column 8, lines 10-27), and

the initialization means initialize the setup of the first region based on the instruction received by the reception means (see *id.*).

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An advantage of returning a focus area designation to its original state is that the user need not move it manually, thus saving time and effort. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system offer a means for initializing a region.

Regarding **claims 12 and 24**, Hyodo is silent with regard to the user touching a touch panel for more than a predetermined period to indicate an input.

Official Notice is taken that it was well known in the art of touch panels at the time the invention was made to indicate a user's input by touching a touch panel for a predetermined amount of time. An advantage of doing so is that a user can perform a specific operation without a separate button but can avoid triggering the operation accidentally. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system accept a user's touch panel input by detecting a touch of a predetermined duration.

12. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo in view of Kaite and further in view of Sacchi (U.S. Patent No. 7,171,625).

Claims 11 and 23 can be treated like claims 10 and 22, respectively. However, Hyodo is silent with regard to a method of the user tapping a touch panel twice to indicate an operation.

Sacchi discloses a user interface, wherein:

the method is such that the user taps on the touch panel twice within a predetermined time period (see column 5, lines 8-16).

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As stated in column 5, lines 16-23, an advantage of having a user perform a double tap is that a user can indicate a more definite intention to perform an operation. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system use a double tap to indicate an operation.

13. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo in view of Kamon (U.S. Patent No. 6,975,361).

Claims 13 and 25 can be treated like claims 8 and 20, respectively. Additionally, Hyodo discloses:

the display means superimpose an outer frame (62a) of the first region on the moving image (see Figure 5 and paragraph 58)

Hyodo is silent with regard to causing the frame to blink a predetermined number of times when a focus is complete.

Kamon discloses an imaging system, wherein:

a frame blinks (see column 20, lines 30-35).

An advantage of utilizing a blinking frame is that it gets the attention of a user. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system cause the frame to blink.

Kamon is silent with regard to performing the blinking when a focus on a subject is complete.

Official Notice is taken that it was well known in the art at the time the invention was made to have a camera notify a user when a focusing operation is complete. An advantage of

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doing so is that a user may proceed to capture the focuses image. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Hyodo's system notify a user when a focusing operation is complete.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTW

JTW

April 1, 2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE
PRIMARY PATENT EXAMINER